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Of Attorneys for State Defendants Hormann,
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IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF OREGON

NICHOLAS JAMES MCGUFFIN, as an individual and as guardian *ad litem*, on behalf of S.M., a minor,

Plaintiffs,

v.

MARK DANIELS, PAT DOWNING, SUSAN HORMANN, MARY KRINGS, KRIS KARCHER, SHELLY MCINNES, RAYMOND MCNEELY, KIP OSWALD, MICHAEL REAVES, JOHN RIDDLE, SEAN SANBORN, ERIC SCHWENNINGER, RICHARD WALTER, CHRIS WEBLEY, ANTHONY WETMORE, KATHY WILCOX, CRAIG ZANNI, DAVID ZAVALA, ESTATE OF DAVID E. HALL, VIDOCQ SOCIETY, CITY OF COQUILLE, CITY OF COOS BAY, and COOS COUNTY,

Defendants.

Case No. 6:20-cv-1163-MTK (Lead Case)
 3:21-cv-1719-MTK (Trailing Case)

DECLARATION OF JESSE B. DAVIS IN SUPPORT OF STATE DEFENDANTS MOTION FOR SUMMARY JUDGMENT

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VIDOCQ SOCIETY,

Cross-Claimant.

RICHARD WALTER,

Cross-Claimant.

NICHOLAS JAMES MCGUFFIN, as an individual and as guardian ad litem, on behalf of S.M., a minor,

Plaintiff,

v.

OREGON STATE POLICE,

Defendant.

I, Jesse B. Davis, declare:

1. I am a Senior Assistant Attorney General with the Trial Division of the Oregon, Department of Justice. I represent State Defendants Hormann, Krings, Riddle, Wilcox and Oregon State Police in this matter. I have personal knowledge of the matters set forth herein.
2. Attached hereto are Exhibits labeled and described as follows, each of which are true copies of the originals to the extent described herein:
3. Exhibit 101: Transcript of all grand jury testimony from the 2010 Coos County Coos County Grand Jury, as obtained in discovery in this matter.
4. Exhibit 102: Criminal trial transcript from *State v. McGuffin*, Coos County Case No. 10CR0782, as obtained in discovery in this matter.
5. Exhibit 103: Transcribed statement given by Plaintiff Nicholas McGuffin, June 30, 2000, as obtaining in discovery in this matter.
6. Exhibit 104: Coquille Police Department Report, July 5, 2000, as obtained in discovery in this matter.

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7. Exhibit 105: Excerpt from deposition of Defendant Michael Reaves, taken in this matter.
8. Exhibit 106: **Intentionally omitted**
9. Exhibit 107: Signed stipulation of the parties filed July 7, 2011, in *State v. McGuffin*, Coos County Case No. 10CR0782 and the documents attached thereto, obtained the court's file (pages 1-23); Exhibits 207, 208, 210, 211, and 212 as received at trial pursuant to the stipulation (pages 24-37).
10. Exhibit 108: Copies of Mary Krings' bench notes, bates numbered MCCREA_012299 to 12555, indicating they were found in the files of attorney Shaun McCrea.
11. Exhibit 109: General Judgment (Post-Conviction) in *McGuffin v. Nooth*, Malheur County Case No. 15CV1030.
12. Exhibit 110: Excerpt from deposition of Megan Davidson, taken in this matter
13. Exhibit 111: Excerpt from deposition of John Lindegren, taken in this matter
14. Exhibit 112: Coquille Police Department Report, February 6, 2010, as obtained in discovery in this matter.
15. Exhibit 113: Oregon State Police Portland Forensic Laboratory, DNA Unit Short Tandem Repeat (STR) Analysis Casework Protocol, approved August 1, 2000, as it was previously labeled and used as Exhibit 6 to the Deposition of Mary Krings in this matter
16. Exhibit 114: Coos County Sheriff's Office Incident Report July 5, 2000
17. Exhibit 115: Coquille Police Department Report July 15, 2000, as obtained in discovery in this matter
18. Exhibit 116: Maps and diagrams of the Coquille area, as received as Exhibits 2 through 6 at trial in *State v. McGuffin*, Coos County Case No. 10CR0782
19. Exhibit 117: Coose County Sheriff's Office Report dated July 5, 2000, as it was previously labeled and used as Exhibit 2 to the Deposition of Craig Zanni in this matter

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- 20. Exhibit 118: Excerpt from deposition of Mary Krings, taken in this matter
- 21. Exhibit 119: Excerpt from deposition of Kathy Wilcox, taken in this matter
- 22. Exhibit 120: Excerpt from deposition of Shaun McCrea, taken in this matter

December 4-5, 2023

- 23. Exhibit 121 Plaintiff's Supplemental Response to Defendant Kathy Wilcox's First Set of Interrogatories in this matter.
- 24. Exhibit 122: Photographs of the trunk of blue Ford Mustang, as received as Exhibits 22 to 24 at trial in *State v. McGuffin*, Coos County Case No. 10CR0782
- 25. Exhibit 123: Excerpt from deposition of Susan Hormann, taken in this matter, as well as excerpts of Exhibits 8 and 17 as there were previously labeled in that deposition
- 26. Exhibit 124: Plaintiff's Response to Defendant Susan Hormann's First Set of Interrogatories in this matter.
- 27. Exhibit 125: **Intentionally omitted**
- 28. Exhibit 126: **Intentionally omitted**
- 29. Exhibit 127: Transcript of recording of Kristen Steinhoff interview March 4, 2010, as obtained in discovery in this matter
- 30. Exhibit 128: March 10, 2010, Analytical Report by Oregon State Police Forensic Laboratory, as obtained in discovery in this matter
- 31. Exhibit 129: March 25, 2010, Field Investigation report by Oregon State Police Forensic Laboratory, as obtained in discovery in this matter
- 32. Exhibit 130: May 24, 2010, Analytical Report by Oregon State Police Forensic Laboratory, as obtained in discovery in this matter
- 33. Exhibit 131: October 25, 2024, Expert report submitted in this matter by Marla Kaplan
- 34. Exhibit 132: October 10, 2017, Analytical Report by Oregon State Police Forensic Laboratory, as obtained in discovery in this matter

35. Exhibit 133: May 17, 2017, Amended Report by Oregon State Police Forensic Laboratory, as obtained in discovery in this matter
36. Exhibit 134: Plaintiff's Response to Defendant Mary Krings' First Set of Interrogatories in this matter
37. Exhibit 135: Excerpt from deposition of Huma Nasir, taken in this matter
38. Exhibit 136: July 9, 2024, Expert report submitted in this matter by Huma Nasir
39. Exhibit 26 to the Deposition of Chris Webley taken in this matter is a portion of the ABC program "20/20" broadcast in 2010 about the Freeman investigation. I have viewed it and will generally describe its contents in lieu of submitting it to court. Between 5:50 and 06:35 on that recording, the recording depicts Susan Hormann briefly describing some items that she tested. She says nothing about the results. The show's narrator says, "No match," and then Defendant Dannels says something to the effect of "thought this was going to be Leah's blood, and of course, it wasn't."

40. Exhibit 23 to the Deposition of Chris Webley taken in this matter is a portion of the ABC program "20/20" broadcast in 2010 about the Freeman investigation. I have viewed it and will generally describe its contents in lieu of submitting it to court. Between 7:17 and 7:23 on that recording, Dannels was interviewed and said words to the effect of Freeman's first shoe was found near the cemetery with blood on it the night Freeman disappeared.

41. I have reviewed the discovery in this matter, and in a folder with a file path ending "Law Office of Shaun McCrea\Discovery from State\McGuffin Discovery Individual Items," I located the same report and analytical notes that were labeled and used as Exhibit 18k to the deposition of Kathy Wilcox taken in this matter, indicating it had been found in Shaun McCrea's files.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

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DATED January 7, 2025.

s/Jesse B. Davis
JESSE B. DAVIS
Senior Assistant Attorney General

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MOTION FOR SUMMARY JUDGMENT
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